

ARC920000101US1
09/768,458REMARKS

This amendment is in response to the Examiner's Office Action dated 7/3/2003. This amendment should obviate outstanding issues and make the remaining claims allowable. Reconsideration of this application is respectfully requested in view of the foregoing amendment and the remarks that follow.

STATUS OF CLAIMS

Claims 1-33 are pending.

Claim 14 is cancelled.

Claims 1, 2, 5-10, 12-13, 15-29, 32 and 33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USPN 6,134,534 to Walker et al..

Claims 3, 4, 11, 30, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over USPN 6,041,308 Walker et al.

OVERVIEW OF CLAIMED INVENTION

The presently claimed invention provides for a system and a method for enhancing sales for service providers by utilizing an opportunistic approach based on an unexpected change in a schedule or services (time, location). The present invention automatically identifies windows of opportunity (time, physical location), and once such a window of opportunity is detected, the invention determines whether people are affected directly from the change of a schedule. This information is then used by services providers to act quickly, in order to enhance sales. The present invention does not need to know who the affected people are, nor their preferences (profile data). Heuristics to determine a window of opportunity are based only on schedule

ARC920000101US1
09/768,458

changes, which are associated with a rule database. Thus, the present system utilizes network-based technologies and communications to generate or increase additional sales for service providers.

As an example, consider a train, which is scheduled to leave at 7:00 AM, but due to unknown circumstances the schedule is changed to 7:45 AM. There is a good chance that there are people who use this train to commute to work, and were not informed in time about this unexpected schedule change event. Most of these people probably will decide to wait there until 7:45 AM, instead of investigating alternatives. The present invention's system and method identifies such unexpected events as "window of opportunities". This information is then used by service providers to deliver useful services to these waiting people in order to help them satisfy their demands or utilize their blocked time. Hence, service providers like food delivery services, newspaper delivery services, taxicab services, etc., utilize an opportunistic approach to deliver useful services for these waiting people in order to help them satisfy demands (e.g., deliver food) or utilize their blocked time (e.g., sell a magazine, provide entertainment, etc.)

In the Claims

REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1, 2, 5-10, 12-29, 32, and 33 are rejected under 35 U.S.C §102(e) as being anticipated by USPN 6,134,534 to Walker et al. (herein Walker1). To be properly rejected under 35 U.S.C §102(e), the cited reference must provide each and every limitation of the anticipated claim. Applicants contend, and as will be shown based upon the arguments submitted below, that the patent to Walker1 fails to provide each and every limitation of claims 1, 2, 5-10, 12-29, 32, and 33 of the application as filed.

ARC920000101US1
09/768,458

The Walker1 reference provides for a conditional management system for receiving conditional purchase offers (CPOs) from one or more customers (such as cruise and airline passengers) or travel agents and evaluating the CPOs against CPO rules defined by a plurality of sellers (such as cruise operators and airlines) to determine whether any seller is willing to accept a given CPO. Hence, users who need to purchase an airline ticket are able to use the system and method described in Walker1 to place a purchase offer, say X dollars. The system of Walker1 then identifies a seller, from a plurality of sellers, who is able to offer an airline ticket for X dollars, wherein the identification is based on a set of rules. It can be seen that the Walker1 system is optimized from the user's perspective as it tries to identify a seller who is able to match or beat the offer put forth by the user. This is in stark contrast to system and method of the present invention, which are optimized to increase the likelihood of a sale for a service provider by automatically identifying windows of opportunity based on time or location.

Specifically, claim 1 of the applicants' invention provides for a system for enhancing sales for sale providers by utilizing an opportunistic approach that takes into account any change in a schedule of services. A limitation of claim 1 is the event retriever which generates an event pair comprising a target value and an actual value associated with a scheduled service. Continuing with the example of the overview section above, for a train which is scheduled to leave at 7:00 AM, but due to unknown circumstances is scheduled to leave at a later time, say for example, 7:45 AM. The event retriever acquires such information (from, for example, the website of the train service) and generates the following event pair: (target value, actual value)=(7:00AM, 7:45AM). Another limitation of applicants' claim 1 is an event observer that receives such an event pair and identifies, based on a set of rules, potential windows of

ARC920000101US1
09/768,458

opportunities that define a period of customer inactivity. Again, continuing with the example of the overview section above, the event observer receives the event pair (7:00AM, 7:45AM) and calculates the difference between the event pair values. The calculated difference of 45 minutes is labeled as a potential window of opportunity. Yet another limitation of the claim 1 is a window of opportunity detector that receives such potential windows of opportunities and, based upon a set of rules, matches the potential windows of opportunities with service providers who are then able to provide a new product or a new service which is separate from the scheduled service.

The examiner equates the "revenue management system 500" of the Walker1 reference to the event retriever of applicant's invention. A close examination of the Walker1 patent, however, reveals, in column 1, lines 37-45, that the revenue management system 500 is an entity that generates conditional purchase offer (CPO) rules. The revenue management of the Walker1 reference fails to generate an event pair that comprises a target value and an actual value, wherein such values are location and/or time values. Furthermore, the examiner notes that the Walker1 reference provides for an event observer that calculates the difference between airline fares and identifies windows of opportunities. The system and method of the Walker1 reference merely takes conditional offers put forth by users and finds a best match among a plurality of sellers (see column 2, lines 58-67). There is no teaching in the Walker1 reference for identifying windows of opportunities based upon customer inactivity. The examiner also equates the applicants' window of opportunity detector with Walker1's airline server 300. In column 6, lines 19-35, the Walker1 reference discloses the functionality of the airline server; the airline server 300 stores "the CPO rules defined by any associated sellers". But, there is no explicit or implicit teaching in the Walker1 reference for the airline server 300 to identify potential windows of opportunities based

ARC920000101US1
09/768,458

upon customer inactivity. Furthermore, it should be stressed that in the applicants' invention, service providers use such windows of opportunities to provide a new product or a new service that is separate from the scheduled service (for example, if a scheduled train is delayed, then, other services such as a cab ride, food, magazines, etc., are offered by the service providers to persons that use such a train).

The above-mentioned arguments for independent claim 1 equally apply to dependent claims 2, 5-10, 12-13. Also, the arguments for claim 1 also apply towards claim 33, which provides for a computer usable medium that implements the method of claim 1. Hence, applicant respectfully requests the examiner to reconsider claims 1-13 and 33 in view of the amendments to independent claims 1 and 30 and the above-mentioned arguments.

Claim 14 has been cancelled. Claim 15 has been amended to include the limitations of claim 14. The above-mentioned arguments equally apply to independent claim 15 and dependent claims 16-19. Additionally, it should be re-emphasized that the Walker1 reference fails to provide identifying potential windows of opportunities based upon customer inactivity. Furthermore, it should be stressed that in the applicants' invention, service providers use such windows of opportunities to provide a new product or a new service that is separate from the scheduled service. Also, the Walker1 reference fails to deal with unexpected changes in services. The present invention, on the other hand, uses such unexpected changes to see if additional new services can be provided to a user. Hence applicant respectfully requests the examiner to reconsider claims 15-19 in view of the amendment to independent claim 15 and the above-mentioned arguments.

ARC920000101US1
09/768,458

Independent claim 20 has been amended in view of this amendment. The above-mentioned arguments regarding independent claims 1 and 15 equally apply to independent claim 20. Additionally, it should be noted that the Walker1 reference fails to disclose, either explicitly or implicitly, a method wherein actual and target standardized event data values are extracted and compared against a threshold. Furthermore, Walker1 does not identify windows of opportunities based upon such a comparison. As another distinction, in the applicants' invention, service providers use such windows of opportunities to provide a new product or a new service that is separate from the scheduled service (for example, if a scheduled train is delayed, then, other services such as a cab ride, food, magazines, etc., are offered by the service providers to persons that use such a train).

All of the above-mentioned arguments also apply for dependent claims 21-29, and 32. Hence, applicant respectfully requests the examiner to reconsider claims 21-29 and 32 in view of the amendments to independent claim 20 and the above-mentioned arguments.

REJECTIONS UNDER 35 U.S.C. § 103(a)

The examiner has rejected claims 3, 4, 11, 30, and 31 under 35 U.S.C. § 103(a) as being unpatentable over USPN 6,041,308 Walker et al. (herein Walker2). Applicants contend that Walker2, either explicitly or implicitly, fails to provide for the limitations of the rejected claims in view of the amendment to claims 1, 15 and 20. The above-mentioned arguments to independent claims 1, 15, and 20 equally apply to dependent claims 3, 4, 11, 30, and 31. Hence, applicant respectfully requests the examiner to reconsider claims 3, 4, 11, 30, and 31 in view of the amendments to independent claims 1, 15, and 20 and all of the above-mentioned arguments.

ARC920000101US1
09/768,458SUMMARY

As has been detailed above, none of the references, cited or applied, provide for the specific claimed details of applicants' presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this amendment has been timely filed within the set period of response, no petition for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 09-0441.

If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,

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